

Appl. No. 09/782,082

Reply to Office action of August 24, 2004

**REMARKS/ARGUMENTS****1) Summary of Office Action**

Claims 1 to 25 were pending.

The Examiner objected to claims 10 to 13 and 15 to 17 under 37 CFR 1.75(c) for being multiple dependent claims and did not examine them on the merits. The Examiner rejected claims 1 to 9, 14, 18 to 20 and 23 to 25 under 35 USC 102(b) as being anticipated by United States Patent No. 5,872,932 to Schettler et al. ("Schettler"). The Examiner rejected claims 21 to 22 under 35 USC 103(a) as being obvious in view of Schettler. The Examiner also objected to the title for being not descriptive.

The Applicant respectfully traverses the objections as follows.

**2) Title Amendment**

The Examiner objected to the title for being not descriptive. The Applicant amends the title as required and believes that the amended title satisfies the requirements of 37 CFR 1.72.

**3) Claim Amendments and Objection under 37 CFR 1.75(c)**

As filed, each of claims 10, 11 and 15 depended from two claims. The Applicant amends claims 10, 11 and 15 to split them each into two claims, so that amended claims 10, 11 and 15 each depend from one claim and new claims 26 to 28 each correspond to claims 10, 11 and 15 as filed but depend from the other claim. The Applicant believes that this amendment successfully traverses the Examiner's objection under 37 CFR 1.75(c).

**4) Anticipation - 35 USC 102(b) - (Claims 1 to 9, 14, 18 to 20 and 23 to 25)**

The Applicant also amends independent claims 1, 24 and 25 to more explicitly define the claimed invention. As amended, claims 1 and 24 includes further details that the network management tool presents the list and the display controller on the user interface for a user to control the display of the display content on the user interface. Claim 25 includes further details that the method includes the step of displaying the list and the display controller for controlling

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the display content. The Applicant further amends claim 25 to correct a typographical error. The amendments are supported by the disclosure at, for example, page 11, line 10 to page 16, line 6.

Schettler incorporates by reference another U.S. patent, namely U.S. Patent No. 5,276,789 to Besaw ("Besaw"). The Examiner rejected claims 1 to 9, 14, 18 to 20 and 23 to 25 as being anticipated by what is disclosed in these two prior art references. The Examiner did not examine claims 10 to 13, 15 to 17 and 21 to 22 on the merit.

Referring to Figure 1 of Schettler, there is shown in block diagram a network management station which includes a display 108, an input device 106 and a disk 114. The disk 114 "may be used ... to store the data bases (topology and map) generated by the discovery/layout software 101." (col. 6, lines 1 to 4). The Examiner suggested that the data bases may be "a list containing a plurality of attributes of the network segments". However, the data bases disclosed in Schettler is not a "list" displayed on a user interface 108, that may be used for controlling the display of display content by a user. Instead, Schettler merely suggests that a graphical representation of a network topology, displayed on a display 108, may be based on what is stored in data bases (col. 6, lines 24 to 29 of Schettler). There is no teaching or suggestion in Schettler (or in combination with Besaw) that the system disclosed therein displays an operable list on the user interface for a user to control the display of the display content, nor that the method taught includes a step of displaying such an operable list.

For at least this reason alone, the Applicant submits that the subject matter of claims 1, 24 and 25 is patentably distinctive from that which is disclosed in Schettler, even with Besaw incorporated by reference, and therefore is not anticipated by Schettler.

Further, Besaw discloses a network topology visualization software system. The software system has separate layout modules which manage (or control) the layout and display of vertices/nodes of portions of a network at cluster, network or segment level on a display (col. 6, lines 12 to 40). While these layout modules manage the layout and display of vertices/nodes of portions of a network, none of these layout modules are displayed (or even displayable) on a user interface. In contrast, Besaw specifically provides a user interface module 602 to receive user

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inputs for specifying whether the layout requested is at cluster, network or segment level (col. 5, lines 59 to 61). The user interface module then calls the corresponding layout module to construct the graph of the network topology (see, for example, col. 6, lines 22 to 40 of Besaw). Schettler teaches that a GUI 322 for managing the map data base 326, the display 108 and an input device 106 may be implemented as described in Besaw (col. 8, lines 24 to 26 and lines 33 to 36). Neither Schettler nor Besaw, however, discloses or suggests a display controller presented on a user interface for controlling the display of the display content.

For this additional reason, it is submitted that the subject matter of claims 1, 24 and 25 is patentably distinctive from that which is disclosed in Schettler, even with Besaw incorporated by reference, and therefore is not anticipated by Schettler.

To the extent that claims 2 to 9, 14, 18 to 20 and 23 depend from claim 1, it is submitted that these claims are also allowable over Schettler, for the same reasons above.

The Applicant further submits that, to the extent that original claims 10 to 13 and 15 to 17 depend from claim 1, these claims, which have not been examined on the merits, are also allowable over Schettler, for the same reasons above.

5) **Obviousness - 35 USC 103(a) - (Claims 21 to 22)**

The Examiner rejected claims 21 to 22 under 35 USC 103(a) as being obvious in view of Schettler. Claim 21 depends from one of claims 19 and 20. Claim 22 depends from claim 21. The Examiner was of the view that Schettler discloses the subject matter of claims 19 and 20 and that it would have been obvious to one of ordinary skill in the art to include the further limitations recited in claims 21 and 22.

The Applicant notes that, as submitted above, Schettler, even in combination with Besaw, does not disclose each and every limitation recited in claim 1. As claims 19 and 20 depend from claim 1, either directly or indirectly, Schettler also does not disclose each and every element of claims 19 and 20. There is also no motivation or suggestion that Schettler may be modified to arrive at the invention claimed. Indeed, as submitted above, Schettler teaches away from the claimed invention in that Schettler relies on Besaw for implementing a graphical user interface

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(GUI). Besaw teaches a different approach and provides no motivation for modifying the Besaw GUI to arrive at the present invention.

According to MPEP §2142, "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

As Schettler (even with the contents of Besaw incorporated by reference) does not teach nor suggest all the claim limitations of either of claims 21 and 22 and teaches away from the claimed invention, the Applicant submits that the Examiner has failed to establish *prima facie* obviousness of the claimed invention and therefore claims 21 and 22 are patentable over Schettler (and Besaw).

6) **Closing Remarks**

In view of the foregoing, the Applicant submits that the claims pending in this case are presently in a condition for allowance. As such, Applicant requests early and favourable disposition of this application.

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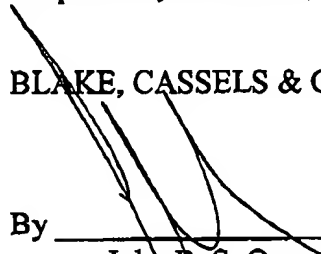
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Should the Examiner wish to discuss this matter further, the call should be made to the undersigned at (416) 863-3164.

Respectfully submitted,

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By



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